

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 1-3, 5-11, 14-25, and 27 were rejected under § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants appreciate the Examiner's time and efforts in conducting the interview of August 30, 2004 in an effort to move this case forward. Although clarification of the claims was discussed in the Examiner's interview with reference to narrowing the claims to an auction facility, Applicants respectfully submit the claims as amended fully address any issues concerning the cited art. Claims 1, 2, 7, and 22-25 have been amended to more clearly define the features of the invention in the context of a network-based transaction facility, specifically the predetermined threshold price-based value being automatically chosen from a plurality of predetermined threshold price-based values based on a category in which the irregular item was offered for sale within the network-based transaction facility.

Although not indicated in the above referenced Office Action, the Examiner requested, in the interview, specific support for, "an irregular item falling outside a range defined by at least one predetermined threshold price-based value...." Support for a "range" may be found in the specification as filed on page 6, lines 14-16, and page 9, lines 24-26. Specifically, page 6, lines 14-16, defines the term "irregular" (e.g., irregular item) as, "to indicate a derivation from a norm or an exceeding of boundaries or a range." Therefore, claims reciting identifying an item as being an "an irregular item falling outside a range defined by at least one predetermined threshold price-based value" is fully supported in the specification as filed.

**2. Response to § 112 Rejection**

Claims 1-4, 14-25, and 27 were rejected under § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention.

“Filter data” was specifically rejected for lack of antecedent basis. Further, the Examiner requested in the Examiner’s interview Applicants review specification to ensure support for the subject matter concerning “filtered data.” The term “filtered data” has been removed from the claims as recited.

Additionally, the Office Action cited a lack of positive and definite correlation between the generating a report and the processing item data operations. The claims have been amended to specifically recite filtering the processed data, as suggested in the above-referenced Office Action, prior to generating the report. Accordingly, no new matter has been added. Therefore, Applicants have addressed the § 112 rejections and respectfully request their removal.

**3. Conclusion**

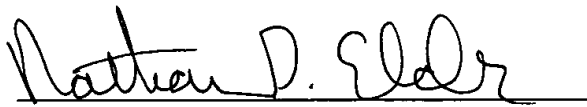
Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

For all of the foregoing reasons, the claims are patentable over the references cited in the Office Action. If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 10-4, 2004

A handwritten signature in black ink, appearing to read "Nathan P. Elder", written over a horizontal line.

Nathan P. Elder

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